

**TRANSPORTATION RULES
OF
DEPARTMENT OF MOTOR VEHICLE SAFETY**

**CHAPTER 5
CERTIFICATED CARRIERS**

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**SUBCHAPTER 5-1
GENERAL PROVISIONS**

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5-1-1 Applicability.

The provisions of this chapter apply to persons transporting household goods or passengers (excluding charter operations) for hire in intrastate transportation that are required to hold certificates of public convenience and necessity under any of the Motor Carrier Acts of this state.

5-1-2 Reports.

It shall be the duty of the carrier to produce for inspection by the Department or any of its representatives, any and all books, papers, contracts, agreements and other original records of any character whatsoever that may be in possession of said carrier, or within its power, custody or control, or copies thereof, as may be demanded and designated by the Department.

5-1-3 Penalties.

(a) *Criminal penalty.* In addition to any other penalty imposed by law, violations of any provision of this chapter shall constitute a misdemeanor, pursuant to O.C.G.A. §46-2-93 and §46-7-39.

(b) *Civil penalty.* In addition to any other penalty imposed by law, violations of this chapter shall be subject to the provisions of O.C.G.A. §46-2-91.

5-1-4 Unjust Discrimination Forbidden.

All carriers, in the conduct of their intrastate business, shall afford to all persons equal facilities in the conduct of such business, without unjust discrimination in favor of, or against any; and wherever special facilities are afforded to one patron whether by special rate or fare authorized by this Department or otherwise, such carrier shall be bound to afford to any other patron, or patrons, under substantially similar circumstances, like facilities upon like rates or fares, but the Department will prescribe by general order to what persons motor carriers or railroads may issue passes or free transportation and reduced rates for special occasions.

5-1-5 Duty to Accept and Transport Commodities.

It shall be the duty of any household goods carrier to accept for transportation any authorized commodities, the carriage of which by such carrier is reasonably safe and practicable and to transport the same as soon as practicable.

5-1-6 Free Service Forbidden.

No carrier transporting household goods or passengers under a Certificate subject to the jurisdiction of this Department, shall, directly or indirectly, give or furnish any free or reduced rate service in this State, except as lawfully prescribed by the Department (Also see Department Transportation Rule 5-3.5).

5-1-7 Rates and Services as Required by the Department.

(a) All rates, fares, charges, rules and regulations now in effect that relate to the transportation of household goods and passengers or which may hereafter become effective, which are not higher than the maximum rates, fares, or charges prescribed by the Department are hereby established as the rates, fares, or charges of the Department. No such rates, fares or charges shall, unless otherwise provided, be discontinued or changed without the consent of the Department.

(b) Failure of the holder of any certificate to comply with schedules and/or rates and fares approved by the Department and to hold itself out as ready, able and willing to provide adequate service in the transportation of any household goods or passengers authorized to be transported in said certificate, shall be reasonable cause to suspend, revoke, alter or amend said certificate at any time after notice and opportunity to be heard is afforded the carrier.

5-1-8 Discontinuance of Service.

(a) Motor carriers transporting passengers operating under Class "AF" certificates issued prior to July 1, 2000 will be allowed to discontinue their entire service on any route upon thirty days' notice, to be prescribed by the Department and thereupon their certificates shall be canceled.

(b) Holders of Class "AF" certificates may be allowed to permanently discontinue any part of their service on any route upon thirty days' published notice, subject, however, to the discretion of the Department to withdraw or suspend the certificate for the entire route if, in the

opinion of the Department, such diminished service is not adequate or any longer compatible with the public interest.

(c) No motor common carrier operating under Class "AF" certificates shall temporarily suspend operation either wholly or in part, except upon authority from the Department.

(d) All other motor carriers may suspend or abandon service immediately by surrendering their certificates, for cancellation and returning to the Department all licenses issued thereunder.

5-1-9 Claims For Overcharge and Loss.

All household goods claims for overcharge, loss or damage, shall be handled to completion within 90 days after claim is filed with the carrier. Claims for loss or damage shall be paid by the carrier at fault, but claims for overcharge shall be paid by the carrier which collected same.

5-1-10 Application for Interim Certificates of Public Convenience and Necessity (Also see 2-1.4).

Every corporation or person owning, controlling, operating or managing any motor propelled vehicle (and lessees, or receivers, or trustees thereof, appointed by any court whatsoever), before operating any motor vehicle upon the public highways of the State for the transportation of passengers (except charter service) or household goods, for hire, within the purview of the Motor Carrier Acts, shall apply to the Department for an interim Certificate of Public Convenience and Necessity in the following manner:

(a) Application shall be made to the Department in writing on forms prescribed by the Department. The application should be typewritten or legibly handwritten in ink.

(b) All information required on said application forms (where applicable) shall be given in full and all questions thereon shall be answered correctly. In the event portions of the application are not applicable to applicant, they must be answered "Not applicable."

(c) All applicants for an Interim Certificate of Public Convenience and Necessity to operate over no fixed route shall state in the application the territory to be served; the radius in miles within which it proposes to operate from its base point; or state-wide.

(d) All applicants for an Interim Certificate of Public Convenience and Necessity or amendments to permanent Certificates, shall state in the application the name of the carrier whose rates are being adopted by the applicant, or in the alternative, furnish complete tariff along with the application naming the rules, regulations, rates and charges proposed to be charged by the applicant.

(e) When an interim certificate is sought by a partnership, such partnership shall designate in writing one of the partners who shall have authority and who shall be recognized by the Department in all matters arising under the law or these rules.

5-1-11 Application Fees.

Application for an Interim Certificate of Public Convenience and Necessity, amendment to an existing permanent Certificate, transfer of certificate, and application for emergency temporary authority, must be accompanied by cashier's check, certified check, U.S. Post Office money order or express money order, payable to "DEPARTMENT OF MOTOR VEHICLE SAFETY" in amounts prescribed by law and set forth below:

- (a) A fee of \$75 where applicant owns or operates less than six (6) motor vehicles;
- (b) A fee of \$150 where applicant owns or operates six (6) to fifteen (15) motor vehicles;
- (c) A fee of \$200 where applicant owns or operates over fifteen (15) vehicles;
- (d) A fee of \$75 for transfer of a certificate;
- (e) A fee of \$50 for emergency temporary authority.
- (f) An additional fee of \$15.00 for advertising must accompany the application for a certificate or an amendment thereto.

No application will be assigned for hearing or given consideration by the Department unless accompanied by said fees and until applicant has complied with all of the foregoing requirements.

5-1-12 Requirements for issuance of Interim Certificate.

The Department shall issue an interim certificate of public convenience and necessity to a person authorizing transportation as a motor carrier subject to the jurisdiction of the Department if it finds that:

- (a) The applicant is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with regulations of the Department. Fitness encompasses three factors:
 - (1) the applicant's financial ability to perform the service it seeks to provide;
 - (2) its capability and willingness to properly and safely perform the proposed service;
 - (3) its willingness to comply with the laws of Georgia and the rules and regulations of the Department; and
 - (4) in case of application for Limousine certificate only, applicant has not been convicted of any felony as such violation or violations are related to the operation of a motor vehicle.
- (b) Service performed during the interim period by applicant will be the basis for issuance of the permanent certificate.
- (c) The initial burden of making out a prima facie case that applicant's service is needed, and that it is fit to provide such service, rests with the applicant.

(d) Upon applicant making out a prima facie case as to the need for the service and the carrier's ability to provide the service, the burden shifts to protestant(s) to show that the authority sought would not be consistent with the public convenience and necessity.

5-1-13 Carrier Qualifications for Issuance of Interim Certificate or Transfer of Permanent Certificate.

(a) When the Department has given consideration to an application for an interim certificate or transfer of permanent certificate, applicant will be advised in writing of the action thereon. In the event of the approval of the application, applicant shall immediately, and before commencing operation,

- (1) register its equipment (See Department Transportation Rule 8-2.1);
- (2) furnish a notarized statement certifying that each vehicle has been properly identified pursuant to Chapters 4 and 8 of these Transportation Rules;
- (3) file evidence of insurance pursuant to Chapter 7 of these Transportation Rules;
- (4) file tariffs of rates and charges on household goods (See Department Transportation Rule 5-5.6), and fares on passengers to be transported; and,
- (5) furnish a statement of awareness of Department's safety and hazardous material regulations.

(b) In the event applicant does not complete the application by complying with the requirements herein within ninety days from receipt of notice of approval of the application, approval will be automatically withdrawn and fees deposited forfeited.

5-1-14 Application of Passenger Carriers to Abandon Service.

An application for authority to abandon scheduled passenger bus service, or reduce service to less than one trip per day (excluding Saturday and Sunday), shall include the following exhibits:

NOTE: If more than one point, route, or route segment is included in the application, the indicated data is to be separately stated for each point, route, or route segment.

Exhibit 1. Points and Routes Affected

A listing of points, routes, and route segments to be abandoned, including identification and a brief description of any other passenger transportation service available at the points or along the route affected.

Exhibit 2. Maps

Maps to scale showing each point, route, and route segment to be abandoned.

Exhibit 3. Timetables

Copies of current and proposed timetables covering the affected points and routes.

Exhibit 4. Authority

Copies of current and proposed certificate authorities covering the affected points and route.

Exhibit 5. Traffic

Traffic data for a recent representative period, showing numbers of intrastate passengers destined to and originating from each point to be abandoned.

Exhibit 6. Fares and Rates

Description of fares and rates applicable to the affected services.

Exhibit 7. Revenues

Calculation of the passenger, express, and other revenues which accrue as a result of the service to be abandoned, along with an explanation of how the revenues were calculated and of any assumptions underlying the calculations.

Exhibit 8. Operating Statistics

Calculations of route miles, annual bus miles, and schedule operating time to be eliminated for each point, route, or route segment to be abandoned.

Exhibit 9. Additional Evidence

Any additional evidence or legal argument applicant believes to be relevant to the application.

5-1-15 Temporary Emergency Authority.

(a) Application for Temporary Emergency Authority for the transportation of passengers shall be made on forms, designated by the Department and supplying in writing all the information called for, by payment of applicable fee, and by complying with the provisions agreed to therein.

(b) The order granting such authority shall contain the Department's findings supporting its determination under the authority of O.C.G.A. §46-7-13 that there is an unmet immediate and urgent need for such service and shall contain such conditions as the Department finds necessary with respect to such authority.

(c) Unless otherwise provided such emergency temporary motor carrier authority, unless suspended or revoked for good cause within such period, shall be valid for such time as the Department shall specify but not for more than an aggregate of 30 days. When a motor carrier granted emergency temporary authority makes application for interim authority corresponding to that authorized in its temporary emergency authority, the temporary authority will be extended to the finalization of the interim authority application unless sooner suspended or revoked for good cause within the extended period.

5-1-16 Refiling for Interim Certificate.

When an application for an interim certificate has been in whole or in part denied, or has been granted and the order of the Department granting same has been quashed or set aside by a court of competent jurisdiction, a new application to provide the same service by the same petitioner or applicant for the same commodities will not be again considered by the Department within three months from the date of the order denying the same or the judgment of the court quashing or setting aside the order.

5-1-17 Transfer of Permanent Certificates.

Certificates shall not be assigned or transferred or hypothecated through sale, ownership of stock pledged as security, or otherwise; nor shall the control and management of the operation under such certificate be changed through lease or otherwise without authority of the Department. Interim Certificates are not transferable.

(a) Application for transfers must be made on proper forms and in the manner prescribed by the Department. Hearings on applications for transfer will be assigned in accordance with the provisions of Department Transportation Rule 2-1.5. Certificates must be active in order to be considered for transfer.

(b) There shall be attached to the application for transfer of a certificate a copy of the contract of purchase which shall contain a complete statement of the assets of the holder of the certificate to be sold and the amount to be paid therefor, and an affidavit from the holder of the certificate, of the authorized agent or officer thereof, that all accrued taxes and all station rents, wages of employees, and all other known indebtedness incident to said operation have been paid in full except as set out in the application for transfer. If there be unpaid indebtedness incident to said operation, a written itemized statement, under oath, of the names and addresses of all the creditors known to said certificate holder, loss or damage claims, together with the amount of indebtedness claimed to be due or owing each of said creditors incident to said operation shall be included in the application or attached as an exhibit and made a part thereof. There shall also be attached to the application for transfer of a certificate a statement signed and witnessed by the transferee (purchaser), or the authorized agent or officer thereof, guaranteeing the payment of all just obligations listed in the sworn itemized statement of the transferor (certificate holder) included in or made a part of the application for transfer, or any lawful indebtedness not included in the application for transfer where such indebtedness is determined to be incident to said operation.

5-1-18 Reinstatement or Cancellation of Interim or Permanent Certificate.

After a certificate has been suspended, unless reinstated by the Department within twelve months from the date of the suspension, same will automatically be canceled and will not be reinstated. A certificate may be reinstated if canceled for lack of proper insurance when the carrier's insurance company files proof of insurance coverage back to the original date of suspension.

5-1-19 Class "B" Interim Certificate Operations.

Every applicant for a Class "B" Interim Certificate to transport passengers (excluding charter carriers) or household goods shall describe the territory proposed to be served, and

shall specify the mileage radius within which it proposes to operate from a base point. No Class "B" Certificate shall authorize the transportation of passengers or household goods unless the applicant has fully complied with the provisions contained in O.C.G.A. §46-7-7 (and O.C.G.A. §46-7-85.4 for limousine carriers).

5-1-20 Misrepresentation of Certificate Operations; Leasing of Certificate Prohibited.

No certificate holder shall engage in any conduct which falsely tends to create the appearance that services being furnished or operations under such certificate are being provided by the holder when, in fact, they are not. No lease, device or arrangement constituting a leasing, loaning or renting of a certificate will be recognized unless otherwise ordered by the Department (See Department Transportation Rule 5-1.18).

**TRANSPORTATION RULES
OF
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**SUBCHAPTER 5-2
HOUSEHOLDS GOODS CARRIERS**

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5-2-1 Scope.

This subchapter applies to household goods carriers operating in intrastate commerce.

5-2-2 Definitions.

As used in this subchapter, the term—

Advertisement means any communication to the public, in written or printed form, in connection with an offer or sale of any intrastate transportation service (including accessorial services as specified in Department Transportation Rule 5-2-2.2), but shall not be construed to include listing of a carrier's name, address and telephone number.

5-2-3 Penalties.

Whenever the Department, after a hearing conducted in accordance with the provisions of Chapter 2 of the Department Transportation Rules, finds that any person, firm, or corporation is operating as a household goods carrier for hire without a valid certificate of public convenience and necessity issued by the Department or is holding itself out as such a carrier without such a certificate in violation of paragraph (b) of O.C.G.A. §46-2-94, the Department may impose a fine of not more than \$5,000.00 for each violation. The Department may assess the person, firm, or corporation an amount sufficient to cover the reasonable expense of investigation incurred by the Department. The Department may also assess interest at the rate specified in O.C.G.A. §46-2-91 on any fine or assessment imposed, to commence on the day the fine or assessment becomes delinquent. All fines, assessments, and interest collected by the Department shall be paid into the general fund of the state treasury. Any party aggrieved by a decision of the Department under this rule may seek judicial review as provided in O.C.G.A. §46-2-94.

5-2-4 Designation of Household Goods Agents.

(a) All appointments of an agent by a carrier holding a permanent certificate shall be evidenced by a contract in writing properly executed by all parties thereto. Such contracts shall

set forth the duties, obligations, rights, method of compensation and scope of authority of the parties thereto.

(b) Households goods carriers holding interim certificates may not appoint any agent to operate under their authority.

(c) A standard form contract shall be first submitted to the Department for approval. If approved, it shall not be necessary to re-submit said standard form of contract except as provided in sub-paragraph (a)(5) of this rule.

(d) The carrier shall notify the Department in writing at least ten (10) days prior to termination of an agency agreement by filing with the Department a form entitled "NOTICE OF TERMINATION." Such termination shall become effective on the date provided in the notice unless the Department notifies the carrier of its disapproval before the effective date.

(e) No carrier shall appoint an agent to represent it if such agent represents another intrastate household goods carrier.

(f) No carrier shall be permitted to appoint an agent for the purpose of transporting household goods in any county or within a twenty (20) mile radius of a city, town or municipality in which it already has an established office or warehouse, or agent. A carrier would not be prohibited from itself performing specialized services in a locality where it has an agent. If carrier establishes an office or warehouse in a location where an agency has been established, the agency agreement must be cancelled.

(g) A copy of the agency contract must be maintained in each vehicle operated by agent under lease to the carrier and a copy of the contract is to be maintained on file both in the carrier's and agent's offices.

(h) Any vehicle operated under authority of the carrier shall be so identified with the carrier's name and other information as required by Department Transportation Rule 4-1-390.21. The carrier shall purchase a vehicle registration from the Department in the carrier's name for each vehicle leased to the carrier.

(i) It shall be the responsibility of the carrier to supervise and train all of its agents and the agents' employees in relation to all of the applicable motor carrier safety and hazardous material rules and regulations of the Department. The carrier shall be responsible to see all the applicable Department rules and regulations are complied with.

(j) Nothing shall restrict the right of a carrier to appoint agents for booking of household goods only where the hauling of such goods is performed by the carrier or its legally established hauling agents.

(k) Unless otherwise exempted by law, carrier will be responsible to the public for any action of its agents, whether known or unknown, which results in loss or damage to the customers goods, or where overcharge is made.

5-2-5 Advertising.

(a) Every motor common carrier engaged in the transportation of household goods in intrastate transportation between points in the State of Georgia, including any such carrier

providing any accessorial service incidental to or part of such intrastate transportation, shall include, and shall require each of its agents to include, in every advertisement as defined in Transportation Rule 5-2.5, the name of the motor carrier under whose operating authority the advertised service will originate and the certificate number assigned to such operating authority by the Department. The name and certificate number must be the same as designated on the certificate issued by the Department.

(b) Any person, firm, or corporation who knowingly and willfully issues, publishes, or affixes or causes or permits the issuance, publishing, or affixing of any oral or written advertisement, broadcast, or other holding out to the public, or any portion thereof, that the person, firm, or corporation is in operation as a household goods carrier for hire without having a valid certificate of public convenience and necessity issued by the Department is guilty of a misdemeanor. Any fine or assessment imposed by the Department pursuant to the provisions of these Transportation Rules shall not bar criminal prosecution pursuant to the provisions O.C.G.A. § 46-2-94(b).

5-2-6 Bills of Lading and Freight Bills.

(a) Unless otherwise provided, all motor carriers of household goods shall issue to shippers a bill of lading in the form prescribed, approved and accepted by the Department. The uniform bill of lading is to be issued in triplicate, and the carrier's copy of said bill of lading shall be retained for a period of three years.

(1) The name of only one shipper, one consignee and one destination shall be shown on one bill of lading. If there are stop offs in transit for partial loading or unloading, the stop off point(s) must also be listed.

(2) A legible copy of the bill of lading must be carried on board the transport vehicle during the time the shipment is in transit.

(3) A single shipment consists of one lot of household goods received from one shipper, at one point, at one time, or for one consignee at one destination and covered by one bill of lading.

(b) On shipments of household goods transported under weight and distance rates, the bill of lading must show the point of origin and destination of said shipment, mileage, weight, rate and total freight charge. Any charges for storage, accessorial charges, special services (third party services) shall be shown separately on said bill of lading.

(c) On shipments of household goods transported under hourly rates, the bill of lading must show the start and stop times of the move, the number of men and vans used, total number of hours worked (less lunchtime and breaks), hourly rate and total freight charge. Any accessorial charges, special services (third party services) shall be shown separately on said bill of lading.

(d) An addendum to the household goods uniform bill of lading (Shipper Declaration of Value) which has been prescribed by the Department, must accompany the bill of lading. Said addendum is to be executed by the shipper and carrier representative prior to the move. One copy is to be given to shipper and one copy is to be retained at the office of the carrier for a period of three years.

5-2-7 Package Condition and Preparation.

Unless otherwise provided, household goods will not be accepted for shipment if:

(a) Articles that are not in such condition, or enclosed in containers of such strength and security, or so prepared for shipment, as to render the transportation thereof by motor vehicle reasonably safe and practicable;

(b) Packages containing fragile articles or articles in glass or earthenware must be marked "GLASS" "FRAGILE—HANDLE WITH CARE," or with similar precautionary marks.

(c) Hazardous materials as defined under the Subchapter 4-2 of the Department Transportation Rules, when tendered for transportation, must conform to the requirements of law and the regulations of the Department as provided for in Subchapter 4-2 or they must be refused.

5-2-8 Prepayment of Charges.

All charges must be prepaid or guaranteed on any shipment which in the judgment of the carrier or its agent would not, at forced sale, be worth the total amount of charges which would be due thereon at destination.

5-2-9 Freight Charges on Lost or Destroyed Shipments.

No motor carrier transporting household goods in intrastate commerce shall collect or require a shipper to pay any published freight charges (including accessorial or terminal services) when a shipment is completely or totally lost or destroyed in transit. A carrier shall collect and the shipper would be required to pay any specific Valuation Charges that may be due. This rule shall not apply to the extent that any such loss or destruction is due to the act or omission of the shipper.

5-2-10 Estimates on Household Goods Moves.

(a) Motor carriers engaged in the transportation of household goods may provide written estimates of the approximate costs which will be assessed for the transportation of such shipments. Estimates shall be reasonably accurate and shall be furnished without charge and in writing to the shipper or other person responsible for payment of the freight charges. All such estimates shall have clearly indicated on the face thereof that the estimate is not binding on the carrier and that the charges shown are the approximate charges which will be assessed for the services identified in the estimate. The estimate must clearly describe the shipment and all services to be provided. At the time of delivery of a collect on delivery shipment, except when such shipment is being delivered to a warehouse for storage at the request of the shipper, on which an estimate of the approximate costs has been furnished by the carrier, the shipper may request delivery of the shipment upon payment, in a form acceptable to the carrier, an amount not exceeding 110% of the estimated charges. The carrier shall, upon request of the shipper, relinquish possession of the shipment upon payment of not more than 110% of the estimated charges and shall defer demand for the payment of the balance of any remaining charges for a period of 30 days following the date of delivery.

(b) This rule shall not apply on shipments being delivered to a warehouse for storage at shipper's request.

5-2-11 Certified Scales, Weighing Procedures, and Weight Tickets.

(a) Carriers transporting household goods shipments shall determine the weight of each shipment transported under the Weight and Distance Section of their tariffs prior to the assessment of any charges depending on the shipment weight. Except as otherwise provided in this item the weight shall be obtained on a certified scale designed for weighing motor vehicles, including trailers or semi-trailers not attached to the tractor, and certified by an authorized scale inspection and licensing authority. A certified scale may also be a platform or warehouse type scale properly inspected and certified.

(b) Except as otherwise provided in this rule, the weight of each shipment shall be obtained by determining the difference between the tare weight of the vehicle on which the shipment is to be loaded prior to the loading and the gross weight of this same vehicle after the shipment is loaded; or, the gross weight of the vehicle with the shipment loaded and the tare weight of the same vehicle after the shipment is unloaded.

(c) At the time of both weigh-ins the vehicle shall have installed or loaded all pads, dollies, hand trucks, ramps and other equipment required in the transportation of such shipments. Neither the driver nor any other persons shall be on the vehicle at the time of either weighing.

(d) The fuel tanks on the vehicle shall be full at the time of each weighing or, in the alternative, no fuel may be added between the two weigh-ins when the tare weighing is the first weighing performed.

(e) The trailer of a tractor-trailer vehicle combination may be detached from the tractor and the trailer weighed separately at each weighing provided the length of the scale platform is adequate to accommodate and support the entire trailer at one time.

(f) Shipments weighing 1,000 pounds or less may be weighed on a certified platform or warehouse scale prior to loading for transportation or subsequent to unloading.

(g) The net weight of shipments transported in containers shall be the difference between the tare weight of the container, including all pads, blocking and bracing used or to be used in the transportation of the shipment and the gross weight of the container with the shipments loaded therein.

(h) The shipper or any other person responsible for payment of the freight charges shall have the right to observe all weighing of the shipment. The carrier must advise the shipper or any other person entitled to observe the weighing of the time and specific location where each weighing will be performed and must give that person a reasonable opportunity to be present to observe the weighing. Waiver by a shipper of the right to observe any weighing or reweighing is permitted and does not affect any rights of the shipper under these regulations or otherwise.

(i) The carrier shall obtain a separate weight ticket for each weighing required under this item except when both weighs are performed on the same scale, one weight ticket may be used to record both weighs. Every weight ticket must be signed by the person performing the weighing and must contain the following minimum information

(1) The complete name and location of the scale,

- (2) The date of each weighing,
- (3) Identification of the weight entries thereon as being the tare, gross and/or net weight,
- (4) The company or carrier identification of the vehicle,
- (5) The last name of the shipper as it appears on the bill of lading, and
- (6) The carrier's shipment registration or bill of lading number.

(j) The original weight ticket or tickets relating to the determination of the weight of a shipment must be retained by the carrier as part of the file on the shipment. All freight bills presented to collect any shipment charges dependent on the weight transported must be accompanied by true copies of all weight tickets obtained in the determination of the shipment weight.

(k) *Reweighing of shipments.* Before the actual commencement of the unloading of a shipment weighed at origin and after the shipper is informed of the billing weight and total charges, the shipper may request a reweigh. The charges shall be based on the reweigh weight.

**TRANSPORTATION RULES
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**SUBCHAPTER 5-3
PASSENGER CARRIERS**

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5-3-1 Applicability.

The rules in this subchapter apply to persons transporting passengers for hire in intrastate transportation in motor vehicles designed to transport more than ten (10) passengers, excluding the driver.

5-3-2 Class "AF" Certificate Operations.

All "AF" carriers must comply with existing conditions and limitations specified in their certificates. Nothing in this section shall be construed as prohibiting a Class AF certificate holder from obtaining other types of passenger authority as specified in these rules. However, as of August 1, 2000, no new Class AF certificates will be issued by the Department.

5-3-3 Passenger carriers transporting certain types of property.

Motor carriers of passengers must obtain either a Passenger Permit or interim Certificate, or both, applicable to their operations. Motor carriers of passengers transporting express, mail and newspapers in the same vehicle with passengers and their baggage, are not required to obtain a Motor Carrier Property Permit and are relieved from the requirements to obtain and maintain cargo insurance for such express, mail and newspapers.

5-3-4 Free Transportation.

(a) Motor carriers transporting passengers shall not directly or indirectly issue, give, tender or honor, free transportation except during emergency situations or as provided by law, and except to their bona fide officers, agents, employees, and to regularly employed attorneys and dependent members of their families; but may exchange free transportation within the limits of this rule.

(b) Motor carriers transporting passengers may carry any totally blind person accompanied by a guide at the usual and ordinary fare charged to one person.

(c) Motor carriers transporting passengers may carry at reduced rates or free, authorized ministers of the gospel or persons traveling for or representing institutions supported by public subscription or persons dependent upon charity upon such terms and conditions as may be prescribed by the motor carrier and if granted under conditions above enumerated shall apply uniformly to all persons coming into the same class.

(d) Motor passenger carriers may provide free transportation during bona fide emergencies.

5-3-5 Tickets.

(a) All passenger carriers must provide tickets at all agency stations and at such places indicated on the published time schedules where satisfactory financial arrangements for handling can be made.

(b) All tickets when sold must have the date of sale stamped thereon. Tickets when sold shall be redeemable for transportation when presented to the driver of a bus. One-way tickets shall be redeemable at their sale price in money by the company or its agent within sixty days after the sale date stamped thereon and round trip tickets within thirty days; if no date of sale is stamped thereon such tickets shall be redeemable upon presentation at any time by the purchaser accompanied by satisfactory proof of purchase. This rule does not apply to excursion tickets or tickets sold for transportation on special occasions.

(c) Partially used tickets shall be redeemed on basis of difference between the sale price and the lawful fare, from and to the station between which the passenger was actually transported.

5-3-6 Baggage.

(a) Motor carriers will not be compelled to carry baggage of passengers, except hand baggage, the character, amount, size and value of which the motor carrier may limit by its rules or regulations, subject to the approval of the Department.

(b) Each passenger motor carrier shall provide duplicate checks for baggage, when requested, to and from all points on all routes covered by its certificate. Baggage checks shall be issued for baggage, when requested, upon presentation of valid transportation only when the owner of the baggage is also the owner of the transportation and is a bona fide passenger over the same line to the destination of the baggage. In the event that the passenger fails to take advantage of this checking service, and the baggage is retained in the physical possession of the owner, the company may proceed on the theory that the passenger has assumed full responsibility for his own baggage, and the company shall not be responsible to the passenger for loss or damage to said baggage. When, however, the passenger is required to surrender physical possession of his hand baggage upon entering the vehicle for storage in a separate compartment from that occupied by the passenger on the vehicle, the motor carrier shall provide duplicate identification tags for such hand baggage, and the motor carrier shall at all times furnish the drivers of its vehicles with an adequate supply of duplicate identification tags.

(c) Excess baggage shall not be transported with charges collect on delivery, but the charges must be paid in advance.

(d) At all agency destinations when arriving baggage is not immediately claimed by the passenger owner, the driver shall deliver same to the station agent and if delivered to owner on same date of arrival, no storage charge shall be made.

(e) Baggage containing money, jewelry, negotiable paper, liquids, glassware, perishable or fragile articles, must not be checked or received for transportation without a declared valuation and where such declared value exceeds the value provided for in paragraph (g)

carriers may assess additional charges according to tariffs filed with and approved by the Department. If baggage is checked or delivered for transportation by a passenger without making manifest of such contents and the value thereof, the carrier shall not be liable therefor in excess of the amount provided for in paragraph (g) and may reject entirely when baggage contains any of the articles enumerated in paragraph (h), or is in the opinion of the operator or driver, too heavy, bulky, fragile, or not in proper condition.

(f) Subject to the limitations and conditions set forth herein three pieces of hand baggage, not to exceed a total weight of one hundred pounds nor exceeding two hundred fifty (\$250.00) dollars in value, shall be carried free of charge for each adult passenger. Children traveling on less than adult fare shall be limited on the above basis in the proportion that the child's fare bears to the adult fare. No allowance shall be permitted on tickets purchased for the sole purpose of avoiding the payment of excess baggage.

(g) Motor carriers of passengers, their drivers or their agents, shall not knowingly permit, and no person shall offer for transportation, any dangerous substance or material to be loaded in or upon any passenger carrying vehicle or to be stored as baggage in or upon the premises of any passenger bus station, which shall include the following but is not limited to the following:

- (1) Loaded firearms;
- (2) Illegal narcotics, dangerous drugs, or controlled substances;
- (3) Materials of an offensive or disagreeable odor; or,
- (4) Any hazardous material or article prohibited to be transported aboard a passenger carrying vehicle provided for under 49 C.F.R. § 177.870.

This rule does not apply to law enforcement officers carrying firearms.

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**SUBCHAPTER 5-4
LIMOUSINE CARRIERS**

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5-4-1 Applicability.

The rules in this subchapter apply to persons operating limousines, as defined in Department Transportation Rule 3-1.5 for hire within this state in intrastate transportation.

5-4-2 Limousine For Hire.

No limousine carrier shall operate any limousine for the transportation of passengers for compensation on any public highway in this state except in accordance with the provisions of federal laws, state laws and Department rules.

5-4-3 Interim Certificates of Public Convenience and Necessity.

No person may engage in the business of a limousine carrier over any public highway in this state without first having obtained from the Department an Interim Certificate of Public Convenience and Necessity to do so.

An interim certificate shall be issued to any qualified applicant, provided that such applicant is a limousine carrier business domiciled in this state, authorizing the operations covered by the application if it is found that the applicant is fit, willing, and able to perform properly the service and conform to the provisions of O.C.G.A. §46-7-85 and the rules and regulations of the Department and has not been convicted of any felony as such violation or violations are related to the operation of a motor vehicle.

5-4-4 Chauffeur Permits and Requirements.

The rules and regulations listed in the Subchapter and Subchapter 4-4 are the minimum requirements set forth by the Department of Motor Vehicle Safety for chauffeur's permits for operators of luxury limousines.

- (a) Every chauffeur employed by a limousine carrier shall have his or her chauffeur's permit in his or her immediate possession at all times while operating a limousine. Said permit shall be displayed in the limousine so that it is visible to any law

enforcement officer. A \$15.00 fee shall accompany all applications for a chauffeur's permit. The chauffeur's permit shall be valid for two years.

1. Chauffeur applicants must be at least 18 years of age.
2. Must possess a valid Georgia driver's license.
3. Must pass a criminal background check in accordance with the provisions of O.C.G.A. 46-7-85.10(3)(A).
4. Must present two (2) color passport photos.
5. A chauffeur's permit may be suspended if the bearer is charged with, and may be revoked if the bearer is convicted of, any of the offenses listed in O.C.G.A. §46-7-85.10(3)(A) or it is found that the bearer gave false information on his or her application.
6. The chauffeur's permit shall not be valid for the operation of a luxury limousine unless on the vehicle being operated there is a valid uniform cab card issued by the Department of Motor Vehicle Safety for the company operating the limousine.

(b) A chauffeur's permit issued under this subsection shall be upon a form prescribed by the Commissioner and bear the following:

1. Permit number;
2. The full name and a photograph of the permittee;
3. Date of birth;
4. Issue date and expiration date.

5-4-5 Annual Inspection.

All limousine carriers as defined in O.C.G.A. §46-7-85.1 holding a Certificate of Convenience and Necessity issued by the Department must have all vehicles inspected annually by a certified mechanic meeting the minimum qualifications as set forth in Part 396 of the Federal Motor Carrier Safety Rules and Regulations. The limousine inspections must occur within ninety (90) days of the date on which a limousine carrier complies with the annual identification and vehicle registration requirements. If the Department determines that the limousine carrier has submitted an inspection report from a certified mechanic or technician not meeting the minimum qualifications or following procedural requirements, the Department may impose a civil penalty pursuant to penalties under federal statute. A limousine inspection form in the format prescribed by the Commissioner must be completed and signed by a certified mechanic or technician.

A copy of the limousine inspection form shall be maintained in the vehicle whenever the vehicle is operated under the authority of the carrier identified in the inspection report. The inspection report shall be, upon demand, be exhibited by the driver to any authorized agent or representative of the DMVS or any law enforcement officer. A copy of the inspection report

shall be furnished to the DMVS annually when complying with the annual identification and registration requirements as set forth in DMVS Transportation Rule 8-2.1 and 8-2.3. If a limousine carrier fails to submit a copy of the inspection report, the carrier shall not be issued the identification stamp.

5-4-6 Identification of Luxury Limousines.

Prior to operating luxury limousines over the highways of Georgia for which registration and licensing of such equipment has been made, every motor carrier holding a certificate to transport passengers in luxury limousines shall affix to the front bumper a standard size license plate with the following information:

- (a) Limousine company name;
- (b) City and state of principal domicile;
- (c) Company telephone number; and
- (d) Vehicle classification - IE-1.

5-4-7 Motor Carrier Safety Regulations - Luxury Limousines.

Luxury limousines must comply with all safety rules and regulations as provided for in Subchapter 4-4 of the Department's Transportation Rules.

5-4-8 Suspension, Cancellation or Revocation of a Certificate of Public Convenience and Necessity.

The Department may cancel, revoke, or suspend any interim or permanent certificate issued under this chapter as provided in Department Transportation Rule 2-3.1 and O.C.G.A. §46-7-85.7.

5-4-9 Luxury Limousines Temporary Permits.

(a) The rules and regulations listed below in this part are the minimum requirements set forth by the Department for issuance of temporary permits to limousine carriers.

(b) A limousine carrier may obtain a temporary permit for a period of 21 consecutive days beginning and ending on the dates specified on the face of the permit. Temporary permits shall be obtained by limousine carriers which make only infrequent trips within or through the State of Georgia and comply with the following:

- (1) Pay a fee for each temporary permit in the amount of \$100.00 per week and \$20.00 for each vehicle.
- (2) Meet the insurance requirements of the Department.
- (3) Obtain a chauffeur's permit for each operator.
- (4) A temporary permit shall be carried in the motor vehicle for which it was issued at all times such vehicle is in this state.

5-4-10 Limousine Tariffs.

The rates and charges which are published in the Department's Limousine Maximum Rate Tariff shall be the rates which all motor carriers of passengers operating in luxury limousines, under appropriate certificates, will be required to adhere to. These rates are maximum and limousine carriers will be permitted to charge any rate(s) less than the published maximum.

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**SUBCHAPTER 5-5
RATES AND TARIFFS**

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5-5-1	Applicability	5-5-5	Rate Schedules
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5-5-4	No Change in Rates, Fares, Charges, or Service		

5-5-1 Applicability.

The rules in this subchapter are general provisions relating to rates and tariffs and apply to all motor carriers required to hold Certificates of Public Convenience and Necessity, except limousine carriers. Specific rates and tariff provisions which apply only to household goods or passenger carriers separately are provided for in their respective subchapters.

5-5-2 Rates and Fares Apply in Both Directions.

All rates and fares effective in this State, except in cases where otherwise specified, shall apply in either direction, over the same line, between the same points.

5-5-3 Method for Determining Distances Relating to Rates or Fares.

(a) Unless otherwise authorized by the Department, rates or fares shall be charged and computed by using the distances shown in either

- (1) Map Quest or any Internet website providing the shortest driving directions.
- (2) Household Goods Carriers' Bureau Mileage Guide No. 17, supplements thereto or reissues thereof; or,
- (3) Southern Motor Carriers Rate Conference, Inc. ProMiles Mileage Calculation Program or reissues thereof.

(b) Unless otherwise authorized by the Department, the carrier shall select one of the above listed mileage guides, and make reference in the rate tariff to the one selected as the governing publication for rate-making distances. Where the carrier's tariff refers to the—

- (1) Household Goods Carriers' Bureau Mileage Guide No. 17 or
- (2) Southern Motor Carriers Rate Conference, Inc. ProMiles software mileage calculation program for distances, the carrier must be a party to that Mileage Guide.

5-5-4 No Change in Rates, Fares, Charges, or Service.

(a) No change shall be made by any carrier transporting household goods or passengers (hereinafter referred to as "carrier") subject to the jurisdiction of the Department in any rate, fare, charge, or service or in any rule or regulation relating thereto, except after proper notice to the Department and to the public, as prescribed below, unless the Department otherwise orders, or has previously approved the same. Such notice shall be given by filing with the Department and keeping open for public inspection new schedules stating plainly the change(s) to be made and the time when they shall take effect.

(b) The Department shall have the authority, either upon written complaint or upon its own initiative without complaint, to conduct a hearing on lawfulness of such rate, fare, charge, or service. Pending such hearing and the decision thereon, the Department, may suspend the operation of such schedule and defer the use of such rate, fare, charge, or service, by notifying the carrier in writing of the reason for suspension, but not for a longer period than five (5) months from the proposed effective date of the publication. The Department may make such orders as are proper with references thereto within the authority vested in the. The is empowered to reduce or revoke any such suspension with respect to all or any part of such schedule. If the proceeding has not been concluded and an order made at the expiration of the suspension period, the proposed change of rate, fare, charge, or service shall go into effect at the end of the suspension period.

(c) Notwithstanding other provisions of this Rule and Department Transportation Rule 5-5.5, the Department, **EXCEPT** for the transportation of household goods:

(1) Shall not suspend or investigate a motor passenger carrier's proposed decrease in a rate, fare or charge on the basis of the level of such rate, fare or charge, unless it appears to the Department on its own initiative or by a complaint that such decrease will result in unjust discrimination, constitute a predatory competitive practice or impose an unreasonable burden on intrastate commerce. In the case of a complaint, the burden of proof shall be on the complaining party to prove the allegations made;

(2) Shall, unless otherwise ordered by the Department, require 15 days notice for the filing of decreases and 20 days notice for the filing of increases in carrier rates, fares or charges;

(3) Shall require only one days notice by motor passenger carriers for reductions published to meet the competition of already published rates, fares or charges of other carriers.

(d) Any increase in household goods carriers rates and charges must be filed with the Department on not less than thirty days notice. Any reduction in rates and charges which are published to meet competition's existing rates and charges may be filed on less than the thirty days notice.

5-5-5 Rate Schedules.

(a) All schedules of rates, fares and charges for the transportation of passengers or household goods charged by motor carriers operating under certificates shall be approved or prescribed by the Department.

(b) All rules, regulations and schedules applicable to household goods and passenger carriers shall be prescribed by the Department.

(c) Motor carriers of household goods operating under certificates may publish and file tariffs with the Department thirty days in advance of the effective date thereof, effecting changes in the said rates, fares, charges, rules or regulations and such tariffs shall, unless rejected by the Department prior to the said effective date, be deemed to be approved by the Department subject to complaint and further order; provided, however, that the filing of such tariffs with the Department shall not be construed as an approval of any of the rates, fares or charges, rules or regulations which advance a charge or decrease a service, which change was not previously authorized by the Department. Initial tariffs, rules, etc., when filed with an application for a Certificate of Public Convenience and Necessity to begin operations shall, unless rejected, be deemed to be approved by the Department effective as of the date that such certificate is issued.

(d) When on the transportation of shipments paid for by the United States, the State of Georgia, or any county or municipality or other governmental subdivision of the State of Georgia, motor carriers are required to publish only maximum rates or charges and are permitted to charge lower than the published maximum.

(e) All tariff publications covering Georgia intrastate traffic shall conform in general style and make-up to the form prescribed by the Department.

(f) Changes in rates, charges, rules, regulations, etc., shall be symbolized and such explanation thereof made in the tariff as will indicate the character of the change.

(g) All tariffs shall bear at the top of the first or title page a DMVS number, and tariffs shall be numbered consecutively. Where any tariff cancels a previously filed tariff such cancellation shall be shown immediately following the number of the tariff.

5-5-6 Tariffs.

(a) All motor carriers of household goods or passengers (except carriers operating under maximum tariffs issued by the Department) operating under a certificate shall publish and file tariffs of rates and charges and rules and regulations governing same, subject to approval and on such form as prescribed by the Department.

(b) All tariffs, rules and regulations shall be accessible and subject to public inspection.

(c) *Tariffs to be Kept Posted.* Each motor carrier of passengers shall keep conspicuously posted at all of its stations, offices and agencies in Georgia, a copy of the schedules and rates or fares prescribed by the Department. When any change is made in such schedule, either by a carrier voluntarily, or pursuant to an order of the Department, the carrier shall immediately post copies thereof, as notice to the public, in the same manner as above specified, and furnish copy of said change to the office of the Department.

5-5-7 Procedures for Collective Rate-Making.

(a) No person, tariff publishing agent, bureau or association (hereinafter referred to, collectively, as "tariff publishing agent") shall engage in collective rate-making activities unless and until said tariff publishing agent submits in writing to the Department, for approval, its

procedures for the docketing and handling of proposed prescribed rates. Such procedures shall, at a minimum, embrace the following essential elements:

(b) A reasonable and fair method whereby any interested party may propose a change in the rates or rules in a tariff published by a tariff publishing agent for consideration and vote by the participants to said tariff.

(c) The providing of notice to all participants in and subscribers to a tariff proposed to be changed regarding the proposal; said notice shall also fix a date, time and place for public hearing on the proposal whereby any interested party may appear at such hearing to give evidence or arguments in support of or in opposition to said proposal.

(d) A method whereby notice of rate proposals shall be available to anyone desiring same, including members of the public, upon payment of a reasonable subscription fee, except that such notice shall be mailed to all participants to the tariff without charge.

(e) Carrier participants to a tariff published by a tariff publishing agent may elect a rate committee for each type of carrier group to review proposed changes, to recommend as to the disposition of proposals, and to otherwise direct the affairs of their group, such as for the employment of counsel to handle petitions for rate changes, and for the direction of their tariff publishing agents in connection with docketing, tariff publications and other necessary routine requirements.

(f) Proposals for changes in tariffs, published by an agent for participating carriers as authorized by powers of attorney to the agent, shall be submitted in writing to the agent, or as may otherwise be directed by a governing rate committee. Meetings at which the public docket is to be considered will be called upon not less than ten (10) days' notice to the Committee and to the public.

(g) Each committee member will have one vote and the majority of the votes cast will govern. Proxy voting shall not be allowed.

(h) Formal minutes (not verbatim transcripts) must be kept on all meetings whereat collective rate-making matters are considered.

(i) A tariff publishing agent shall not, as such, file a protest with the Department against any proposed tariff change.

(j) The procedures herein authorized may be utilized by motor carriers to develop combined financial data as to operating expenses, revenues and estimated projections related thereto, for analysis and for submission to the Department as and when required.

(k) Nothing herein shall be construed to authorize the publication of any rate or tariff rule that is unlawful or otherwise prohibited by regulation of the Department. Except when published to comply with the order of the Department, all tariffs and amendments thereto will be subject to complaint by an interested party and may be suspended or rejected by the Department.

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**SUBCHAPTER 5-6
REPEALED**

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5-6-1.1 Repealed

5-6-2.1 Repealed

5-6-1.1 Repealed

5-6-2.1 Repealed.